United Nations A/C.3/60/L.22

General Assembly

Distr.: Limited
20 October 2005

Original: English

Sixtieth session
Third Committee
Agenda item 67
Promotion and protection of the rights of children

Argentina, Austria, Belgium, Bolivia, Brazil, Bulgaria, Chile, Colombia, Costa Rica, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Mexico, Netherlands, Nicaragua, Panama, Paraguay, Peru, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela (Bolivarian Republic of): draft resolution

Rights of the child

The General Assembly,

Recalling its previous resolutions on the rights of the child, the most recent of which is resolution 59/261 of 23 December 2004, as well as Commission on Human Rights resolution 2005/44 of 19 April 2005,[1]

Emphasizing that the Convention on the Rights of the Child[2] must constitute the standard in the promotion and protection of the rights of the child, and bearing in mind the importance of its Optional Protocols[3] as well as other human rights instruments,

Reaffirming the outcome document of the twenty-seventh special session of the General Assembly on children, entitled "A World Fit for Children",[4] the Declaration of Commitment on HIV/AIDS adopted at the twenty-sixth special session of the General Assembly on HIV/AIDS, also entitled "Global Crisis —

[1] *Official Records of the Economic and Social Council, 2005, Supplement No. 3* (E/2005/23), chap. II, sect. A.
[2] United Nations *Treaty Series*, vol. 1577, No. 27531.
[3] Resolution 54/263, annexes I and II.
[4] Resolution S-27/2, annex.

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Global Action",[5] the United Nations Millennium Declaration[6] and the Vienna Declaration and Programme of Action,[7]

Noting with appreciation the reports of the Secretary-General on follow-up to the special session of the General Assembly on children,[8] and on the status of the Convention on the Rights of the Child,[9] as well as the reports of the Chairman of the Committee on the Rights of the Child, the Special Representative of the Secretary-General for Children and Armed Conflict[10] and the independent expert for the United Nations study on violence against children,[11]

Reaffirming that the best interests of the child shall be a primary consideration in all actions concerning children,

Recognizing the importance of incorporating a child-protection perspective across the human rights agenda, as highlighted in the 2005 World Summit Outcome,[12]

Profoundly concerned that the situation of children in many parts of the world remains critical as a result of the persistence of poverty, social inequality, inadequate social and economic conditions in an increasingly globalized economic environment, pandemics, in particular HIV/AIDS, malaria and tuberculosis, environmental damage, natural disasters, armed conflict, displacement, violence, abuse, exploitation, trafficking in children and their organs, child prostitution, child pornography and child sex tourism, neglect, illiteracy, hunger, intolerance, discrimination, xenophobia, gender inequality, disability and inadequate legal protection, and convinced that urgent and effective national and international action is called for,

Underlining the need to mainstream a gender perspective in all policies and programmes relating to children and recognizing the child as a rights holder in all policies and programmes relating to children,

I. Implementation of the Convention on the Rights of the Child and its Optional Protocols

1. *Reaffirms* that the general principles of, inter alia, the best interest of the child, non-discrimination, participation and survival and development provide the framework for all actions concerning children, including adolescents;

2. *Urges once again* States that have not yet done so to sign and ratify or accede to the Convention on the Rights of the Child[2] as a matter of priority, and, concerned about the great number of reservations to the Convention, urges States parties to withdraw reservations that are incompatible with the object and purpose of the Convention and to consider reviewing other reservations with a view to withdrawing them;

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[5] Resolution S-26/2, annex.
[6] See resolution 55/2.
[7] A/CONF.157/23.
[8] A/60/207.
[9] A/60/175 and Corr.1.
[10] A/60/335.
[11] A/60/282.
[12] Resolution 60/1.

3. *Also urges* States that have not yet done so to consider signing and ratifying or acceding to the Optional Protocols to the Convention on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography;[3]

4. *Calls upon* States parties to implement the Convention and its Optional Protocols fully by, inter alia, putting in place effective national legislation, policies and action plans, strengthening relevant governmental structures for children and ensuring adequate and systematic training in the rights of the child for professional groups working with and for children;

5. *Welcomes* the work of the Committee on the Rights of the Child, and calls upon all States to strengthen their cooperation with the Committee, to comply in a timely manner with their reporting obligations under the Convention and the Optional Protocols thereto, in accordance with the guidelines elaborated by the Committee, and to take into account its recommendations on implementation of the Convention;

6. *Requests* all relevant organs of the United Nations system and United Nations mechanisms regularly and systematically to incorporate a strong child rights perspective throughout all activities in the fulfilment of their mandates, as well as to ensure that their staff are trained in child rights matters, and calls upon States to cooperate closely with all these mechanisms, in particular the special rapporteurs and special representatives of the United Nations system;

7. *Encourages* States to strengthen their national statistical capacities and to use statistics disaggregated, inter alia, by age, gender and other relevant factors that may lead to disparities and other statistical indicators at the national, subregional, regional and international levels to develop and assess social policies and programmes so that economic and social resources are used efficiently and effectively for the full realization of the rights of the child;

II. Promotion and protection of the rights of child

Registration, family relations and adoption

8. *Urges once again* all States to intensify their efforts to comply with their obligation under the Convention on the Rights of the Child to preserve the child's identity, including nationality and family relations, as recognized by law, to allow for the registration of the child immediately after birth, to ensure that registration procedures are simple, expeditious and effective and provided at minimal cost and to raise awareness of the importance of birth registration at the national, regional and local levels;

9. *Encourages* States to adopt and enforce laws and improve the implementation of policies and programmes to protect children growing up without parents or caregivers, recognizing that, where alternative care is necessary, family- and community-based care should be promoted over placement in institutions;

10. *Calls upon* States to address cases of international parental or familial child abduction, and encourages States to engage in multilateral and bilateral cooperation to resolve these cases, preferably by accession to the Hague Convention on the Civil Aspects of International Child Abduction, and to facilitate, inter alia, the return of the child to the country in which he or she resided immediately before

the removal or retention and, in this respect, to pay particular attention to cases of international abduction of children by a parent and/or by other relatives;

11. *Calls upon* States to take all necessary measures to prevent and combat illegal adoptions and all adoptions that are not in the best interests of the child;

Economic and social well-being of children

12. *Calls upon* States and the international community to create an environment in which the well-being of the child is ensured, and, inter alia, to:

(a) Cooperate, support and participate in global efforts for poverty eradication at the global, regional and country levels, recognizing that strengthened availability and effective allocation of resources are required at all levels, in order to ensure that all the internationally agreed development and poverty eradication goals, including those set out in the United Nations Millennium Declaration,[6] are realized within their time framework, reaffirming that investments in children and the realization of their rights are among the most effective ways to eradicate poverty;

(b) Take all necessary measures to ensure the right of the child to the enjoyment of the highest attainable standard of health and to develop sustainable health and social services systems, ensuring access to such systems and services without discrimination, paying particular attention to adequate food and nutrition and assigning priority to activities and programmes aimed at preventing addictions, in particular addiction to alcohol and tobacco, and the abuse of narcotic drugs, psychotropic substances and inhalants;

(c) Recognize the right to education on the basis of equal opportunity and non-discrimination through making primary education compulsory and available free to all children, ensuring that all children have access to education of good quality, and making secondary education generally available and accessible to all, in particular through the progressive introduction of free education, bearing in mind that special measures to ensure equal access, including affirmative action, contribute to achieving equal opportunity and combating exclusion;

(d) Design and implement programmes to provide social services and support to pregnant adolescents and adolescent mothers, in particular through enabling them to continue and complete their education;

Violence against children

13. *Urges* States:

(a) To take all appropriate measures to prevent and protect children from all forms of violence, including physical, mental and sexual violence, torture, child abuse and exploitation, domestic violence, trafficking in children and their organs, child prostitution, child pornography and child sex tourism and abuse by police, other law enforcement authorities and employees and officials in detention centres or welfare institutions;

(b) To investigate and prosecute cases of torture and other forms of violence against children and to punish the perpetrators;

(c) To strengthen efforts to protect children from gang-related violence, in particular though a comprehensive approach to this phenomenon;

(d) To end impunity for perpetrators of crimes committed against children, recognizing in this regard the contribution of the establishment of the International Criminal Court as a way to prevent violations of human rights and international humanitarian law, in particular when children are victims of serious crimes, including the crime of genocide, crimes against humanity and war crimes, to bring perpetrators of such crimes to justice and not grant amnesties for these crimes and to strengthen international cooperation towards the goal of ending impunity;

(e) To take measures to protect schoolchildren from violence, injury or abuse, including sexual abuse and intimidation or maltreatment in schools, to establish complaint mechanisms that are age appropriate and accessible to children and to undertake thorough and prompt investigations of all acts of violence and discrimination;

(f) To take measures to eliminate the use of corporal punishment in schools;

(g) To condemn the abduction of children, particularly extortive abduction and abduction in situations of armed conflict, to take all appropriate measures to secure the unconditional release, rehabilitation, reintegration and reunification with their families of all abducted children, to bring the perpetrators to justice and, in this regard, to request international organizations to cooperate with national authorities;

Non-discrimination

14. *Calls upon* all States to ensure the enjoyment by children of all their civil, political, economic, social and cultural rights without discrimination of any kind;

15. *Notes with concern* the large number of children, particularly girls and children belonging to minorities, who are among the victims of racism, racial discrimination, xenophobia and related intolerance, stresses the need to incorporate special measures, in accordance with the principle of the best interest of the child and respect for his or her views, in programmes to combat racism, racial discrimination, xenophobia and related intolerance, and calls upon States to provide special support and ensure equal access to services for all children;

16. *Calls upon* States to take all necessary measures, including legal reforms where appropriate, to eliminate all forms of discrimination against girls and all forms of violence, including female infanticide and prenatal sex selection, rape, sexual abuse and harmful traditional or customary practices, including female genital mutilation, marriages without the free and full consent of the intending spouses, early marriages and forced sterilization, by enacting and enforcing legislation and by formulating, where appropriate, comprehensive, multidisciplinary and coordinated national plans, programmes or strategies to protect girls;

Promoting and protecting the rights of children, including children in particularly difficult situations

17. *Calls upon* all States to prevent violations of the rights of children working and/or living on the street, including discrimination, arbitrary detention and extrajudicial, arbitrary or summary executions, torture, all kinds of violence and exploitation, to bring the perpetrators to justice, to adopt and implement policies for the protection, social and psychosocial rehabilitation and reintegration of these

children and to adopt economic, social and educational strategies to address the problems of children living or working on the street;

18. *Calls upon* States to protect refugee, asylum-seeking and internally displaced children, in particular those who are unaccompanied, who are particularly exposed to risks in connection with armed conflict, such as recruitment, sexual violence and exploitation, to pay particular attention to programmes for voluntary repatriation and, wherever possible, local integration and resettlement, to give priority to family tracing and family reunification and, where appropriate, to cooperate with international humanitarian and refugee organizations, including by facilitating their work;

19. *Also calls upon* States to ensure, for children belonging to minorities and vulnerable groups, including migrant children and indigenous children, the enjoyment of all human rights as well as access to health care, social services and education of good quality and to ensure that children belonging to minorities, in particular victims of violence and exploitation, receive special protection and assistance;

20. *Further calls upon* States to take the necessary measures to ensure the full and equal enjoyment of all human rights and fundamental freedoms by children with disabilities in both the public and the private spheres, including access to good quality education and health care and protection from violence, abuse and neglect, and to develop and, where it already exists, to enforce legislation to prohibit discrimination against them to ensure their dignity, promote their self-reliance and facilitate their active participation and integration in the community, taking into account the particularly difficult situation of children with disabilities living in poverty;

21. *Calls upon* States to protect the inheritance and property rights of orphans in law and in practice, with particular attention to underlying gender-based discrimination that may interfere with the fulfilment of these rights;

22. *Also calls upon* States to translate into concrete action their commitment to the progressive and effective elimination of child labour that is likely to be hazardous or to interfere with the child's education or to be harmful to the child's health or physical, mental, spiritual, moral or social development, to eliminate immediately the worst forms of child labour, to promote education as a key strategy in this regard, including the creation of vocational training and apprenticeship programmes and the integration of working children into the formal education system and to examine and devise economic policies, where necessary, in cooperation with the international community, that address factors contributing to these forms of child labour;

23. *Urges* States that have not yet done so to consider signing and ratifying or acceding to the Convention concerning Minimum Age for Admission to Employment, 1973 (Convention No. 138) and the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 (Convention No. 182) of the International Labour Organization;

24. *Calls upon* all States, in particular those States in which the death penalty has not been abolished:

(a) To abolish by law, as soon as possible, the death penalty for those below the age of 18 years at the time of the commission of the offence;

(b) To comply with their obligations as assumed under relevant provisions of international human rights instruments, including the Convention on the Rights of the Child and the International Covenant on Civil and Political Rights;[13]

(c) To keep in mind the safeguards guaranteeing protection of the rights of those facing the death penalty and the guarantees set out in United Nations safeguards adopted by the Economic and Social Council;

25. *Also calls upon* all States to ensure that no child in detention is sentenced to forced labour or corporal punishment or deprived of access to and provision of health-care services, hygiene and environmental sanitation, education, basic instruction and vocational training;

Prevention and eradication of the sale of children, child prostitution and child pornography

26. *Calls upon* all States:

(a) To criminalize and penalize effectively all forms of sexual exploitation and sexual abuse of children, including all acts of paedophilia, including within the family or for commercial purposes, child pornography and child prostitution, child sex tourism, trafficking in children, the sale of children and their organs and the use of the Internet for these purposes, and to take effective measures against the criminalization of children who are victims of exploitation;

(b) To ensure the prosecution of offenders, whether local or foreign, whether in the country in which the crime was committed, in the country of which the offender is a national or resident, in the country of which the victim is a national or on any other basis permitted under domestic law, and, for these purposes, to afford one another the greatest measure of assistance in connection with investigations or criminal or extradition proceedings;

(c) To increase cooperation at all levels to prevent and dismantle networks trafficking in children and their organs and, for those States that have not yet done so, to consider signing and ratifying or acceding to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;[14]

(d) In cases of trafficking in children, the sale of children, child prostitution and child pornography, to address effectively the needs of victims, including their safety and protection, physical and psychological recovery and full reintegration into society, including through bilateral and multilateral technical cooperation and financial assistance;

(e) To combat the existence of a market that encourages such criminal practices against children, including through the adoption, effective application and enforcement of preventive, rehabilitative and punitive measures targeting customers or individuals who sexually exploit or sexually abuse children, as well as by ensuring public awareness;

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[13] See resolution 2200 A (XXI), annex.

[14] Resolution 55/25, annex II.

(f) To contribute to the elimination of the sale of children, child prostitution and child pornography by adopting a holistic approach, addressing the contributing factors, including underdevelopment, poverty, economic disparities, inequitable socio-economic structures, dysfunctional families, lack of education, urban-rural migration, gender discrimination, criminal or irresponsible adult sexual behaviour, child sex tourism, organized crime, harmful traditional practices, armed conflicts and trafficking in children;

Children affected by armed conflict

27. *Strongly condemns* any recruitment or use of children in armed conflict contrary to international law, and urges all States and other parties to armed conflict that are engaged in such practices to end them;

28. *Reaffirms* the essential roles of the General Assembly, the Economic and Social Council and the Commission on Human Rights in promoting and protecting the rights and welfare of children;

29. *Calls upon* States:

(a) When ratifying the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict,[15] to raise the minimum age of voluntary recruitment of persons into the national armed forces from that set out in article 38, paragraph 3, of the Convention, bearing in mind that under the Convention persons under 18 years of age are entitled to special protection, and to adopt safeguards to ensure that such recruitment is not forced or coerced;

(b) To take all feasible measures to ensure the demobilization and effective disarmament of children used in armed conflicts and to implement effective measures for their rehabilitation, physical and psychological recovery and reintegration into society, in particular through educational measures, taking into account the rights and the specific needs and capacities of girls;

(c) To protect children affected by armed conflict, in particular from violations of international humanitarian law and human rights law and to ensure that they receive timely, effective humanitarian assistance, in accordance with the Geneva Conventions of 12 August 1949[16] and international humanitarian law, and calls upon the international community to hold those responsible for violations accountable, inter alia, through the International Criminal Court;

(d) To take all feasible measures, in accordance with international humanitarian law and human rights law, as a matter of priority, to prevent the recruitment and use of children by armed groups, as distinct from the armed forces of a State, including the adoption of legal measures necessary to prohibit and criminalize such practices;

30. *Welcomes* the adoption of Security Council resolution 1612 (2005) of 26 July 2005 on the protection of children affected by armed conflict and the efforts of the Secretary-General to implement the monitoring and reporting mechanism called for by that resolution, with the participation of and in cooperation with

[15] Resolution 54/263, annex I.

[16] United Nations, *Treaty Series*, vol. 75, No. 970-973.

national Governments and relevant United Nations and civil society actors, including at the country level;

31. *Recognizes* the progress achieved since the establishment of the mandate of the Special Representative of the Secretary-General for Children and Armed Conflict in paragraphs 35 to 37 of General Assembly resolution 51/77 of 12 December 1996, and recommends that the Secretary-General extend the mandate of the Special Representative for a further period of three years;

32. *Recalls* the recommendation that the Special Representative foster international cooperation to ensure respect for children's rights in situations of armed conflict and contribute to the coordination of efforts by Governments and relevant United Nations bodies, as well as the request to Governments and relevant United Nations bodies to cooperate with the Special Representative;

III. Children affected by HIV/AIDS

33. *Acknowledges* that prevention, care, support and the treatment for those infected and affected by HIV/AIDS are mutually reinforcing elements of an effective response and must be integrated in a comprehensive approach to combat the epidemic, reaffirms that the full realization of human rights and fundamental freedoms for all is an essential element in the global response to the HIV/AIDS pandemic, and reaffirms also the importance of the elimination of all forms of discrimination against people living with or at risk of HIV/AIDS, including those most vulnerable;

34. *Calls upon* States:

(a) To ensure universal access to comprehensive information related to HIV/AIDS prevention by 2010 through education, life skills training for adolescents and the use of child-targeted media and to ensure that this information is relevant, age-appropriate and timely, engaging children, their parents or caregivers in its development and recognizing children as agents of change to enable them to protect themselves from HIV infection;

(b) To support adolescents to be able to deal positively and responsibly with their sexuality in order to protect themselves from HIV/AIDS infection, including to support adolescent girls' ability to protect themselves from unsafe sex, and to implement measures to increase the capacity of adolescents to protect themselves from HIV/AIDS, through, inter alia, the provision of health care, including for sexual and reproductive health, and through prevention education that promotes gender equality;

(c) To put in place strategies, policies and programmes that identify and begin to address those factors that make individuals particularly vulnerable to HIV infection, in order to complement prevention programmes that address activities which place individuals at risk of HIV infection, such as risky and unsafe sexual behaviour and injecting drug use;

(d) To ensure that, in preventing and addressing HIV/AIDS, particular attention is paid to girls, deeply concerned that the global HIV/AIDS pandemic disproportionately affects women and girls, that the majority of new HIV infections occur among young people and that unequal legal, economic and social status and violence against girls increase their vulnerability to HIV/AIDS;

(e) To take measures to prevent mother-to-child transmission of HIV, including the provision of essential drugs, appropriate antenatal, delivery and post-partum care, voluntary counselling and testing services for pregnant women and their partners and support for mothers, such as counselling on infant feeding options;

35. *Also calls upon* States:

(a) To ensure full and equal access for children to voluntary, free and confidential counselling, testing and care, including low cost and effective medication for the treatment of AIDS and associated opportunistic infections, recognizing the need for youth-friendly services, and urges States to work with the pharmaceutical industry and other stakeholders to ensure the development and universal availability of child suitable medication and treatments;

(b) To strengthen partnerships and international cooperation at the national, regional and international levels in order to offer infected and affected children medicines and related technology that are affordable, easy to use and readily available, recognizing that many developing countries may not have the financial or human resources capacity to mount an effective response to the HIV/AIDS epidemic;

(c) To integrate all aspects of HIV and AIDS treatment and care into all health care, programmes and services;

36. *Further calls upon* States to take effective measures to eliminate stigmatization and discrimination on the basis of HIV or AIDS status, actual or presumed, of the child or parent and to ensure that HIV or AIDS status does not stand in the way of the child's enjoyment of all human rights;

37. *Calls upon* States to make suitable provision for children affected by HIV/AIDS who can no longer live with their parents to retain links with their wider family and community, urges all States to sign the United Nations Framework for the Protection, Care and Support of Orphans and Vulnerable Children Living in a World with HIV and AIDS and to implement its key strategies, inter alia through adopting and implementing, as an integral part of their comprehensive national planning and budgeting processes, national action plans for the protection and care of orphans and vulnerable children, and requests donors, the United Nations system and civil society to support their efforts;

38. *Urges* donors:

(a) To ensure a successful replenishment of the Global Fund to Fight AIDS, Tuberculosis and Malaria, as well as the HIV/AIDS component of the work programmes of the United Nations system agencies and programmes engaged in the fight against HIV/AIDS, and notes that a major part of the international HIV and AIDS financing gap relates to children orphaned or made vulnerable by HIV/AIDS;

(b) To improve the effectiveness of their programmes through better alignment and elimination of duplication, and calls upon donors and the United Nations system to take forward the recommendations of the Global Task Team on Improving AIDS Coordination among Multilateral Institutions and International Donors;

Follow-up

39. *Decides*:

(a) To request the Secretary-General to submit to the General Assembly at its sixty-first session a report on the rights of the child, containing information on the status of the Convention and the issues contained in the present resolution;

(b) To request the Special Representative of the Secretary-General for Children and Armed Conflict to continue to submit reports to the General Assembly and the Commission on Human Rights;

(c) To request the independent expert conducting the study on violence against children to present his final report to the sixty-first session of the General Assembly;

(d) To reiterate its invitation to the Chairman of the Committee on the Rights of the Child to present an oral report on the work of the Committee to the General Assembly at its sixty-first session as a way to enhance communication between the Assembly and the Committee;

(e) To pay particular attention to the rights of children affected by HIV and AIDS at its special session on HIV and AIDS in 2006;

(f) To continue its consideration of the question at its sixty-first session under the item entitled "Promotion and protection of the rights of children", focusing section III on "Children and poverty".